

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**MARK A. YOUNG**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2:08-cv-247-KS-MTP**

**SOUTHERN CAL TRANSPORT, INC.,  
and LARRY COX**

**DEFENDANT**

**ORDER ON MOTION TO COMPEL**

This matter is before the court on the Defendant's Motion to Compel [31] filed by defendant Southern Cal Transport, Inc. ("SCT"), and the court having considered the motion finds that it should be GRANTED.

The motion and the docket establish that SCT propounded interrogatories and requests for production on plaintiff, Mark Young, on January 7, 2009. Accordingly, these discovery responses were due on or about February 9, 2009. SCT's counsel contacted the Plaintiff's counsel by telephone and agreed to give Plaintiff until March 20, 2009, to respond to the written discovery, yet Plaintiff did not respond. Plaintiff finally filed his response to the request for production on April 7, 2009 (five days after the motion to compel was filed), but has failed to serve a response to the interrogatories. SCT's reasonable efforts to obtain a good faith certificate from Plaintiff's counsel as required by Local Rule 37.1 or to obtain the responses before filing this motion were unsuccessful.

IT IS, THEREFORE, ORDERED as follows:

1. SCT's Motion to Compel [31] is GRANTED.
2. Plaintiff shall respond, without objection, to the interrogatories propounded to

him on or before April 20, 2009.<sup>1</sup>

3. SCT is entitled to reasonable expenses and attorney's fee pursuant to Fed. R. Civ. P. 37(a)(5)(A), as Plaintiff's failure to respond timely to the pending discovery requests was not substantially justified and Plaintiff has not demonstrated that such an award is unjust.
4. On or before April 24, 2009, SCT shall file the appropriate documentation to support its request for expenses and fees incurred "in making the motion" to compel. *See* Fed. R. Civ. P. 37(a)(5)(A).
5. On or before May 1, 2009, Plaintiff shall file its objections or response, if any, to the SCT's application for fees and expenses.

SO ORDERED this the 13th day of April, 2009.

s/ Michael T. Parker

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United States Magistrate Judge

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<sup>1</sup>In his Response [33] of April 9, 2009, Plaintiff indicated that he could respond to the interrogatories within 10 days.